

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES MICHAEL KARRIKER,

Defendant and Respondent;

JO WEBER, as Public Conservator, etc.,

Objector and Appellant.

A114099

(Sonoma County
Super. Ct. No. MCR439687)

**ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]**

THE COURT:

The opinion filed on April 11, 2007, is modified as follows:

1. On page 17, in the second paragraph of footnote 11, the date of the referenced legislation should be changed from 1994 to 1974 so the sentence reads:

Karriker bases his contrary interpretation on an early draft of the 1974 legislation amending Penal Code section 1370

2. On page 23, the first sentence of part 5 of the discussion should be modified to read:

Defendant argued previously that even if the Conservator did not have a mandatory duty to file the petition, the court's order should be upheld because the Conservator abused her discretion in refusing to file the petition under the facts of this case.

There is no change in the judgment.

Dated:

_____ P. J.

Trial court: Sonoma County Superior Court

Trial judge: Hon. Dean A. Beaupre

No appearance for plaintiff and respondent.

Counsel for defendant and respondent: Matthew Zwerling
Jeremy Price, under appointment by the Court of Appeal

Counsel for amicus curiae for California State Association of Counties and the California Association of Public Administrators, Public Guardians, and Public Conservators on behalf of appellants: Jennifer B. Henning
Calif. State Assoc. of Counties

Counsel for objector and appellant: Steven M. Woodside, County Counsel
William L. Adams, Deputy County Counsel